Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	**) CC Docket No. 98-11**
	) CC Docket No. 98-26
Deployment of Wireline Services Offering Advanced Telecommunications Capability	**) CC Docket No. 98-32**
	) CC Docket No. 98-78
	) CC Docket No. 98-91
	) CC Docket No. 98-147
	)

COMMENTS OF MCI WORLDCOM, INC.

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Dated: September 24, 1999

SUMMARY

This remand proceeding presents a straightforward series of legal and technical questions concerning the appropriate regulatory classification of DSL-enabled services. As these comments explain, it is fundamental to understand first and foremost that DSL is not a service, but a technology employed in the ILEC local network. While this technology -- which readily meets the statutory definition of a "network element" -- provides capabilities which are used in the provision of telecommunications services, DSL itself cannot be reduced to a single potential service use. The deployment of DSL in LEC central offices simply represents the next in a series of evolutionary steps in the continuing process of upgrading the local network to make it more efficient and robust.

It is readily apparent that DSL technology can be used in the provisioning of local exchange and exchange access; these two categories represent the sum total of telecommunications services that local exchange carriers provide. DSL-enabled services are no different from other local telecommunications services provided by the ILECs; indeed, the ILECs' longstanding use of HDSL technology to provision DS-1 services amply demonstrates this fact.

Because ADSL technology has been, can be, and is being used to provision local telecommunications, ADSL-enabled services meet the definition of telecommunications in the 1996 Act. As such, CLECs are granted full rights to utilize ADSL capabilities, as network elements and as ADSL-enabled services, under Section 251(c) of the Act. In MCI WorldCom's view, the so-called "ADSL services" being deployed and marketed by the ILECs as a means of high-speed access to ISPs best comports with the statutory definition of a telephone exchange service and should be classified accordingly. In contrast, US West's claim that DSL-enabled services constitute "information access" represents a desperate attempt to end-run the pro-competitive obligations of the 1996 Act. In particular, US West completely ignores the fact that the term "information access" shows up nowhere in the FCC's rules or the definitional provisions of the 1996 Act, and is merely a carryover from the nondiscrimination requirements of the Modified Final Judgement, where it was expressly defined as a subset of exchange telephone service.

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COMMENTS OF MCI WORLDCOM, INC.

MCI WorldCom, Inc. ("MCI WorldCom") hereby submits these comments in response to the Public Notice issued by the Commission in the above-captioned proceedings.[1] The Commission should reaffirm its earlier decision that incumbent local exchange carriers ("ILECs") are subject to the market-opening provisions of Section 251(c) of the Telecommunications Act of 1996 ("the 1996 Act") in connection with offering advanced telecommunications services that employ Digital Subscriber Line ("DSL") and packet-switching technologies.

I. BACKGROUND

In August 1998, in response to petitions filed by four of the Bell Operating Companies ("BOCs") and the Association for Local Telecommunications Services ("ALTS"),

[1] Public Notice, "Comments Requested in Connection with Court Remand of August 1998 Advanced Services Order," CC Docket Nos. 98-11, 98-26, 98-32, 98-78, 98-91, 98-147, DA 99-1853 (released September 9, 1999) ("Public Notice").

the Commission issued its Advanced Services Order.[2] Rejecting various BOC requests to forbear from applying to advanced telecommunications services the obligations of Section 251(c) of the 1996 Act -- including the interconnection, unbundling, resale, and collocation requirements -- the Commission instead found that it had no statutory authority to eliminate or limit such obligations. In particular, the Commission determined that advanced services offered by the ILECs, which employ DSL and packet-switching technologies, are telecommunications services under the Act, and constitute either telephone exchange service or exchange access service. The Commission declined to specify into which of these two categories of service advanced services fall.[3]

In its appeal to the D.C. Circuit of the Advanced Services Order, US West has argued that advanced services are neither telephone exchange or exchange access, but instead constitute something called "information access." Despite the fact that US West, in its earlier advocacy before the Commission, failed to present its statutory definitional claims in a straightforward fashion, the Commission asked for, and received, a voluntary remand of the Advanced Services Order so that US West's arguments now can be addressed fully.

MCI WorldCom urges the Commission to reject US West's untimely and specious attempt to write out of the 1996 Act an entire category of telecommunications services. Once again, under the guise of a federal court appeal, an ILEC seeks to deny its competitors the critical pro-competitive rights guaranteed by the 1996 Act. Once again, the

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[2] Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147 et al., Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 15280 (1998) ("Advanced Services Order").

[3] Advanced Services Order at paras. 32-82.

Commission must stand firm and adhere to what the Act requires: an open market for all telecommunications services.

II. DSL IS A LOOP TECHNOLOGY THAT CAN BE USED TO SUPPORT THE CAPABILITIES OF A VARIETY OF TELECOMMUNICATIONS SERVICES

A. DSL Is A Loop Technology, Not A Service Unto Itself

Any examination of the issues raised for discussion in this proceeding must first take account of a fundamental fact: Digital Subscriber Line is a technology, not a service. Because DSL is just a communications transmission technology, its use is not limited to any single type of telecommunications service. Much like the DS-1 standard, or any other digital transmission standard, the DSL specification simply defines how a stream of digital bits is to be sent over some transmission medium. More precisely, the specification describes (1) the actual electronic signal sent over the medium (how the digital 1's and 0's are represented as electrical signals), and (2) the sequence in which user and network overhead bits are to be sent over the medium. As one example, the ADSL specification defines options for dividing the available bandwidth into upstream and downstream channels.

The truism that capabilities are not the same as services is made clear from even a cursory review of the typical ILEC network. Many types of ILEC equipment and facilities are used to support different ILEC services, including switched and dedicated voice, data, and video services. For example, the copper loop that physically connects the end user customer to the local telephone network is used to provide exchange and exchange access capabilities to support local voice and data, switched or special access voice and data, or long

distance voice and data. DSL technologies merely expand the capabilities of the local loop.[4] What specific, actual use is made of any particular piece of equipment or any type of facility is separate and apart from what uses can be made of it.

This fundamental capabilities/services distinction can be observed as well in two key ILEC requirements in Section 251(c): the provision of unbundled network elements ("UNEs"), and the offer for resale of retail services. As the statutory definition makes plain, UNEs are the underlying facilities, functions, and capabilities of the telecom network, while the resale obligation applies to the wide range of retail services that build on these network capabilities. DSL equipment and associated capabilities are a network element well within the meaning of Section 3(29) of the 1996 Act, because it is "a facility or equipment used in the provision of a telecommunications service" including "features, functions, and capabilities that are provided by means of such facility or equipment."[5]

Indeed, DSL-based services are simply an evolutionary step in the process to make local networks more efficient (i.e., the new network elements provide the same capabilities as other network elements, but at a lower cost) or more robust (i.e., the new elements make performance better from the customers' perspective even if the LECs' costs are not lower). The ILECs have always been adding new elements to their local networks, and upgrading the equipment used, in order to improve the networks' performance. As one recent example, the introduction of packet switches can be analogized generally to the

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[4] Not all customers are connected to the public network by copper loop; some use radio services or fiber. DSL is a copper loop technology.

[5] 47 U.S.C. Section 153(29).

replacement of electromechanical switches with electronic (circuit) switches. DSL is no different from this and other kinds of network upgrades.

Moreover, in addition to the Act's capabilities/services dichotomy, there is a further distinction which must be understood between the underlying telecommunications service which a carrier can offer, and the specific use to which that service can be put. For example, all the ILECs provide tariffed, voice-grade telecom service over their local loops. Residential consumers utilize those local voice services as a means of making local and long distance calls. Similarly, residential customers use those same loops, and employ those same voice services, as the means of reaching their selected ISP via a dial-up modem. When used to deliver an information service provided by an ISP, the underlying telecom service does not disappear; instead, it is the regulated transmission platform over which the unregulated information services ride.[6] A new, unregulated information service -- Internet access -- is offered, not by the LEC but by the ISP.[7]

The very same lessons apply to DSL. First, when an end user adds a DSL modem in his or her computer, and a LEC places a matching modem in a DSLAM in its central office or remote terminal, a new transmission capability has been created within the existing telecommunications infrastructure. This capability can support a whole range of services. Each member of the xDSL family of technologies (ADSL, HDSL, SDSL, etc.), has

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[6] Information services are defined by Congress as the offering of a capability "via telecommunications...." 47 U.S.C. Section 153(20).

[7] Thus, information services can never be telecommunications services; instead, like countless other business enterprises, information service providers utilize telecommunications services as one regulated input into a final unregulated information service offering.

targeted uses, and those capabilities cannot logically be reduced to any one of its possible services. Second, any particular DSL-based service (say, ADSL) itself can have different roles, depending on how end users seek to use it. When an end user subscribes to a service using an ADSL-equipped local loop to receive high-speed Internet access, for example, the underlying ADSL service forms the regulated transmission platform over which the unregulated information services travel.

These technical distinctions are well reflected in Section 706. Rather than attempt to parse out specific carrier and end user uses and service categories, the provision speaks broadly of "advanced telecommunications capability." This "capability" is defined expansively, "without regard to any transmission media or technology," as that which allows users to originate and receive "voice, data, graphics, and video telecommunications," and "using any technology." Thus, the DSL capability constitutes a network element that allows users to receive telecommunications services.

The Commission, then, should not fall into the ILEC trap of blurring real distinctions between technologies and services, or between regulated telecommunications services and the unregulated information services they can support. Consistent with the way telecom networks operate, and the statutory framework enacted by Congress, the Commission must keep in mind the distinction between equipment (or capability) in the ILEC network, and its use for a particular purpose (or service).

B. DSL Technology Can Be Used To Provide A Wide Range Of Telecommunications Services

As explained above, consistent with the fact that DSL is a technology, not a service, that provides certain capabilities, DSL can be used to support a number of different copper loop-based telecommunications services. In turn, these telecommunications services can be used to form a regulated transmission platform over which other services (such as Internet access) can be provided. As always, the statute offers the proper guidance. The term "telecommunications" is defined there as "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."[8] A "telecommunications service" is the offering of telecommunications "for a fee directly to the public... regardless of the facilities used."[9] This definition certainly allows for the natural evolution of the local telecommunications network and the newer facilities that are deployed to provide service. Of course, it must be stressed that telecommunications services are not limited to voice-grade services, but include so-called data services, such as fax and voice-based modem calls, and packet-switched services, such as frame relay and ATM.[10] In contrast, "information service" is an unregulated offering which is provided "via telecommunications."[11]

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[8] 47 U.S.C. Section 153(43).

[9] 47 U.S.C. Section 153(46) (emphasis added).

[10] See IDCMA Petition for Declaratory Ruling That AT&T's InterSpan Frame Relay Service Is A Basic Service, Memorandum Opinion and Order, 10 FCC Rcd 13717 (1995).

[11] The ILECs frequently employ the terms "data services" and "information services" interchangeably, as if they constitute one and the same thing. Of course, this is not the case. Data services are telecommunications services regulated under Title II of the Communications Act; information services are not. Thus, for example, ADSL technology can be used to provide a telecommunications service; Internet access provided over that ADSL-enabled loop

The telecommunications services that incorporate DSL technology are local exchange and exchange access services. What the Public Notice calls "DSL-based services" are functionally no different from other services that have always been considered local telecommunications services by the telecom world, including the FCC and the ILECs themselves.

HDSL is a good example of a particular form of DSL technology used to provide a telecom service. High-bit-rate DSL, the most mature of the xDSL technologies, allows the provisioning of DS-1/E-1 local loop circuits much more quickly and at much lower costs than through conventional means. Not surprisingly, HDSL has been deployed aggressively by the ILECs over the past decade, especially to support DS-1 level multichannel voice grade service.[12] Customers seeking a digital transmission service do not order a distinct "HDSL service" from the ILECs; instead, they simply lease DS-1 lines, which happen to be provisioned with HDSL.[13] From the end user's perspective, the performance characteristics of an "HDSL service," if offered separately, would appear to be identical to those of an HDSL-equipped DS-1 line. No one seriously doubts that these DS-1 services being provided by the ILECs were, and still are, telecom services. In any particular instance, DS-1 service can fit the definition of an telephone exchange service or an exchange access service, depending on whether the DS-1 line is used to make local or long distance calls. The

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is an information service.

[12] Like other flavors of DSL, HDSL requires special electronics at both the central office (CO) and the customer premise.

[13] By one slightly outdated estimate, 75 percent of all new T-1 lines are provisioned using HDSL. Kathleen Cholekwa, "Behind the Scenes, HDSL Makes T1 Service Cheap," Inter@ctive Week, April 27, 1997, http://www.zdnet.com/intweek/print/980427/310736.html.

ILECs themselves have perceived HDSL-equipped DS-1 service to constitute a telecom service, and have -- depending on the situation -- tariffed the service in both the state and federal regimes as private line service, intrastate special access, and interstate special access.

ADSL, a copper loop-based transmission technology, is another "flavor" of DSL capability. Current uses for an ADSL-equipped loop include packet data communications, conventional circuit-switched communications, and video distribution.[14] Certainly one of the much-touted uses of this form of DSL technology is allowing end users to access the Internet at speeds above the capabilities of current computer modem technologies. In numerous advertisements and press releases, ILECs and CLECs alike rightly laud the virtues of "ADSL service" as providing an ideal platform for consumers to enjoy much greater bandwidth when utilizing the Internet.

Interestingly, ADSL is being marketed by the ILECS as a substitute for ISDN. This is no surprise, as ADSL is in reality a more efficient, cost-effective, and high-speed alternative to ISDN service (which, after all, also employs equipment on either end of the copper loop). Nobody disputes that ISDN has been treated consistently as a local telecommunications service. Local telecommunications services have always provided a wide range of speeds and bandwidth. The fact that one local service operates at a higher bandwidth than another does not make it any less a local service. Traditional loop technology (non-DSL-equipped loops) can be used to access the Internet and to provide voice service.

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[14] Of course, an ADSL-equipped loop by itself cannot provide an end-to-end service between two end users; the loop must be interconnected at the LEC central office to some type of switching or transport capability.

Newer loop technologies perform exactly the same functions -- only in some ways better and/or cheaper.

Of course, surfing the Web is not the only conceivable use of an ADSL-enabled service. Indeed, one of the initial planned applications for ADSL in the mid-1990s was a video-on-demand (so-called "video dialtone") service,[15] although providers ultimately were unable to market and sell such a service at competitive prices. The potential future applications of ADSL technology are expanding rapidly. A few include:

- o connecting an end user to a local ISP POP, which in turn connects the end user to information content provided by a local provider, such as a radio station or video store;
- o connecting an end user to a corporate headquarters location to provide a "work at home" application;
- o connecting an end user to an IXC POP to link a company's branch offices in various cities to a headquarters location; or
- o connecting an end user to a CLEC POP to enable small office/home office (SOHO) applications, such as providing multiple voice channels over one copper pair.

In all these applications -- and in others not yet imagined or exploited -- ADSL technology could be used to provide a local service, intrastate access, or interstate access.

C. The 1996 Act Grants CLECs Critical Competitive Rights To Acquire And Utilize Telecommunications-Related ILEC Elements, Capabilities, And Services

[15] See, e.g., In the Matter of Annual Assessment of the Status of Competition in the Market for Delivery of Video Programming, Second Annual Report, 11 FCC Rcd 2060, 2149-50 (1995).

Because a telephone network capability such as DSL is used to provide a telecommunications service, if a CLEC seeks to utilize DSL capability to provide a telecommunications service, that conclusion alone should invoke the application of Section 251(c). That provision imposes certain obligations on "incumbent local exchange carriers" generally as a condition of their incumbency, not just whenever they provide telephone exchange and/or exchange access service. Moreover, the obligations listed in Section 251(c) are not limited to any particular class of telecommunications services. The ILECs must provide (1) unbundled network elements "to any requesting telecommunications carrier for the provision of a telecommunications service;" (2) for resale at wholesale rates "any telecommunications service" it provides at retail to non-carriers; and (3) physical collocation of equipment necessary for interconnection or access to UNEs.[16] In all three cases, Congress painted with a broad brush.

Thus, based on a straightforward reading of the statute, if the CLEC seeks access to a network element to provide "a telecommunications service," it can; if the CLEC seeks to resell "any telecommunications service" provided by the ILEC, it can; if the CLEC seeks to collocate equipment to access a UNE it wants to use to provide a telecommunications service, it can. The language of the 1996 Act cannot be any clearer.[17]

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[16] 47 U.S.C. Sections 251(c)(3), (c)(4), (c)(6).

[17] Of course, each of these ILEC obligations, and concomitant CLEC rights, is limited in some fashion by other language in the operative provisions, but these limitations are not at issue here.

III. THE ILEC SERVICES BEING PROVIDED USING ADSL ARE TELECOMMUNICATIONS SERVICES WHICH BEST MEET THE DEFINITION OF LOCAL EXCHANGE SERVICE

A. The Act's Delineation Of Telephone Exchange And Exchange Access As The Only Two Categories Of LEC-Provided Local Services Does Not Admit A Third, Separate "Information Access" Category

US West's primary argument is that DSL-based services can only be classified as an "information access" service, not a "telephone exchange service" or an "exchange access service." US West claims that one particular use of DSL technology -- to provide access to an ISP via a packet-switched network for the purpose of receiving and sending information services --is not a telecommunications service at all. US West's attempt at artificial pigeonholing is plainly contrary to technical and legal reality; as the HDSL and ADSL examples described above amply demonstrate, DSL technology can be used to provide a whole host of different telecommunications services. Among these services is a telecom offering which provides a regulated platform over which rides unregulated information services. Where the question posed concerns how DSL copper loop technology is being used by a local exchange carrier in any particular instance, the Act offers only two choices: telephone exchange service or exchange access, both of which are telecommunications services. DSL capability plainly can be used for either or both. US West's suggestion of some mysterious third category called "information access" is unavailing.

Again, one must begin with the words of the statute. The traditional statutory definition of "telephone exchange service" is a service within a local exchange or system of exchanges "operated to furnish to subscribers intercommunicating service of the character

ordinarily furnished by a single exchange...."[18] The 1996 Act greatly expanded this definition with the addition of language delineating "comparable service provided through a system of switches or series of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service."[19] In contrast, the definition of "exchange access" is "the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services."[20]

It is apparent that the Act contemplates only these two categories of local telecommunications service. These are the only two telecom categories mentioned by name in the local competition provisions of Section 251. These are also the only two types of LEC-provided local telecommunications services defined in the Act. Elsewhere the Commission already has found that these two categories of service are the total universe of telecom service that an ILEC might provide. For example, in its opening brief in the ongoing appeal of its so-called "reciprocal compensation" order, the Commission expressly agrees with MCI WorldCom's assertion that dial-up calls between end users and ISPs "must be either telephone exchange service or exchange access under the Act."[21] Similarly, in its original Local Competition Order, the Commission emphasized that there are only two possible scenarios involving carrier-to-carrier compensation for the carriage of telecommunications traffic: carrier

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[18] 47 U.S.C. Section 153(47).

[19] Id.

[20] 47 U.S.C. Section 153(16).

[21] Brief for Federal Communications Commission, Bell Atlantic Telephone Cos. et al. v. FCC, Nos. 99-1094 et al. (D.C. Circuit), filed July 22, 1999, at 30.

access charges (for exchange access service) and reciprocal compensation (for local exchange service).[22] No other category of telecommunications service was mentioned.

US West claims that the Commission should have classified a particular kind of DSL-enabled services, not as a telephone exchange or exchange access service, but instead as an "information access" service. The Commission should reject this invitation. Precisely because the Act plainly contemplates that all local telecommunications services are either telephone exchange service or exchange access, the effect of categorizing a particular service as something else is to remove it altogether from the operative provisions of the Act. However, there is not a scintilla of evidence that Congress intended any such thing, which would have the obvious effect of excusing the ILECs from their fundamental obligations.

For starters, the source of this brand-new "information access" service is more than a bit vague. This phrase is defined nowhere in the Commission's rules, and is not found anywhere in the longstanding Part 69 access charge rules. Nor is this phrase even used in the pre-1996 Act version of the 1934 Act, or defined anywhere in the 1996 Act. Indeed, the term is mentioned just twice in the 1996 Act. Section 251(g), in discussing the continued enforcement of exchange access and interconnection requirements of the MFJ, obligates the ILECs to continue to abide by equal access and nondiscriminatory interconnection mandates with regard to "exchange access, information access, and exchange services" to IXCs and ISPs.[23] Section 274(h)(2)(A) states that the term "electronic publishing" does not include

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[22] Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499 (1996), at para. 1034.

[23] 47 U.S.C. Section 251(g).

"information access" as defined in the Modified Final Judgment. Taken together, these two provisions plainly are not intended to further define the types of services CLECs can or cannot provide using ILEC elements and services; instead, they simply preserve the requirement imposed at the breakup of the Bell System that local carriers not discriminate when interconnecting with interexchange carriers and ISPs.

A review of the text of the MFJ itself only further weakens US West's already-dubious case. The MFJ required the BOCs to provide to all IXCs and ISPs "exchange access, information access, and exchange services."[24] In turn, information access was defined as the provision of "specialized exchange telecommunications services by a BOC in an exchange area in connection with the origination, termination, transmission, switching, forwarding or routing of telecommunications traffic to or from the facilities of a provider of information services."[25] From this definition it is clear that "information access" is not separate from "exchange telecommunications service," but instead constitutes merely a certain --"specialized" -- subset of exchange service. In other words, "information access" is a local telecommunications service. Because the term plainly is defined as a means of carrying local "telecommunications traffic," it could not possibly be that "information access" has nothing to do with "telecommunications," as US West insists.

It is apparent, then, that the MFJ, and in turn the 1996 Act, employ the term "information access" to clarify that the BOCs could not discriminate in the local service they provide to ISPs. In a classic "belts-and-suspenders" maneuver, Judge Greene appears to have

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[24] MFJ, Section II.A.
[25] MFJ, Section IV(I).

included this phrase in the MFJ to protect against the BOCs' inevitable attempts to end-run any possible definition he could create. He likely sought to preclude any meritless argument that the MFJ's nondiscrimination requirements did not apply to BOC-provided local telecommunications services used to deliver information services. If this was the case -- and no evidence suggests otherwise -- it is more than a bit ironic that a concerted effort by Judge Greene to be over-inclusive in applying nondiscrimination standards to the BOCs now is being used by US West as a license to engage in a particularly blatant form of discrimination. In any event, the 1996 Act plainly does not create a third and unregulated use of the local loop called "information access," and US West's arguments to the contrary should be rejected out of hand.

B. ADSL "Service" Linking One End User To Another End User Located Within The Same Local Exchange Area Should Be Classified As A Telephone Exchange Service

Of the two statutorily-defined categories of LEC-provided services, the "ADSL service" currently being marketed to end users for high-speed access to ISPs best matches the category of local exchange service. Of course, like non-DSL-equipped loops, DSL-equipped loops are used to provide two local telecommunications services: local exchange and exchange access. This question is not new territory for the Commission, which previously has ruled that certain types of DSL-based services provided by the ILECs are interstate in nature, and

constitute special access.[26] In the context of both dial-up traffic and ADSL traffic terminating to ISPs, MCI WorldCom has argued strenuously that the service being provided is a telephone exchange service.[27] Commission precedent, backed by plain commonsense, dictates that the jurisdiction of a call from an ISP's customer (one end user) to the ISP (another end user) is determined by the physical location of the customer and the point at which that customer is attached to the ISP's network. In other words, a call between two end users within the same local exchange is a local exchange call. Because most ISPs have gone to great lengths to establish POPs within the local calling areas of most of their customers, the vast majority of calls from an ISP customer to its ISP will be local calls.[28]

Unfortunately, the Commission's own view -- that such traffic is interstate in nature -- is based on a failure to engage in a reasoned interpretation of the 1996 Act, and a fundamental misunderstanding of the configuration of typical calls to ISPs, as well as the regulatory classification of ISPs themselves. First and foremost, the statute forecloses any argument that calls to ISPs are exchange access because ISPs do not provide telephone toll service -- ISPs are end users, not telecommunications carriers. Regardless of the assets ISPs employ as inputs to their ISP services -- including telecommunications services -- ISPs are not providing a service subject to FCC common carrier-type regulation. Second, consistent with

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[26] GTE Telephone Cos. GTOC Tariff No. 1, Memorandum Opinion and Order, CC Docket No. 98-79, FCC 98-292 (issued October 30, 1998); Bell Atlantic Telephone Cos. Bell Atlantic Tariff No. 1 et al., Memorandum Opinion and Order, CC Docket Nos. 98-168, 98-161, 98-167, 98-103, FCC 98-317 (issued November 30, 1998).

[27] See, e.g., MCI WorldCom Comments on Direct Cases, CC Docket Nos. 98-78, 98-103, 98-161, filed September 18, 1998.

[28] Id. at 18-20.

longstanding FCC precedent, a call from an ISP customer to an ISP platform is a complete, end-to-end telephone call. Whether or not an ISP subsequently utilizes other telecommunications services to retrieve the information requested by its customer is irrelevant to determining the statutory classification of calls by its customers to the ISP.

Even if calls to ISPs do not meet the original definition of "telephone exchange service" contained in the Communications Act of 1934, they certainly meet the greatly-expanded "comparable service" definition added by the 1996 Act.[29] "Comparable" means "equivalent" or similar;" thus, "comparable" services have "enough like characteristics or qualities to make comparison appropriate."[30] Telephone exchange service, therefore, no longer means only traditional local telephone service. The term now includes the ever-increasing types of calls that do not fit neatly within the rubric of traditional local service, but still share the operative characteristics of traditional service. Moreover, the service used to call an ISP also allows a caller to "originate and terminate a telecommunications service," as required by Section 153(47)(B). At a minimum, calls to ISPs fit within this category.

Nonetheless, if the Commission persists in its view that calls to ISPs are not telephone exchange service, then such calls must be exchange access service. Whether defined as local exchange service or exchange access, it is clear that DSL-based services are governed by Section 251(c) of the 1996 Act. The Commission should expeditiously reaffirm that portion of its Advanced Services Order.

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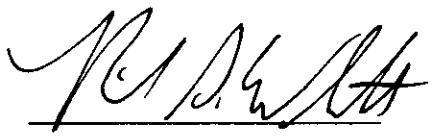
[29] See 47 U.S.C. Section 153(47)(A), (B).
[30] Webster's Third New Int'l Dictionary 461 (1971).

IV. CONCLUSION

For the reasons explained above, the Commission should reaffirm its earlier conclusions, and declare that: (1) DSL technologies can be used to support a wide range of telecommunications services, including telephone exchange and exchange access services, and (2) CLECs are entitled to receive all DSL-related network elements, functionalities, and services pursuant to Section 251(c) of the Telecommunications Act of 1996.

Respectfully submitted,

MCI WORLDCOM, INC.



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CERTIFICATE OF SERVICE

I, Denise Akoto, hereby certify that I have this 24th day of September, 1999, sent a copy of the foregoing "Comments of MCI WorldCom, Inc." in CC Docket Nos. 98-11 et al., by hand delivery, to the following:

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